

CLOSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

Y.

Damion Sean Brissett

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 07-10651-001M-SD

Citizen of Jamaica

Juan Rocha (AFPD)

USM# 71520-004

ICE#: A78 406

COMP. 7-1929-584 DOB. 1973 ISEL# A78 488 548

THE DEFENDANT ENTERED A PLEA OF guilty on 10/15/2007 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) DAYS on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted **FINE:** \$**RESTITUTION:** \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

07-10651-001M-SD

USA vs. Damion Sean Brissett

Date of Imposition of Sentence: **Monday, October 15, 2007**

Date 10/15/2007

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution
designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By: _____ Deputy Marshal

United States Marshal
07-10651-001M-SD -

DATE: 10/15/2007 CASE NUMBER: 07-10651-001M-SD**PLEA/SENTENCING MINUTES**USA vs. Damion Sean BrissettU.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BKU.S. Attorney _____ INTERPRETER REQ'D _____
Attorney for Defendant Juan Rocha (AFPD) LANGUAGE: EnglishDEFENDANT: PRESENT NOT PRESENT RELEASED CUSTODYDOA 10/12/07 Complaint Filed Appointment of counsel hearing held Financial Afdvt taken No Financial Afdvt taken Financial Afdvt sealed Initial Appearance**DETENTION HEARING:** Held Cont'd Reset UA

Set for: before:

 Defendant ordered temporarily detained in the custody of the United States Marshal Defendant ordered released (see order setting cond of rel) Bail set at \$ _____ Defendant continued detained pending trial Flight Risk Danger Held Cont'd Reset

Set for: before:

 Consent to be tried by a Magistrate Judge signed Class A Misd Class B Misd Class C Misd Consent of Defendant Information filed _____ Complaint filed _____ Defendant sworn and examined by the Court Plea of Guilty Not Guilty Entered to Counts TWO Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name. Plea of Guilty entered as to Ct(s) TWO of the Information Indictment Complaint Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given. Plea agreement: Lodged Filed Sealed Court does not accept defendant's plea of guilty because _____ PSI ORDERED EXPEDITED PSI waived Time waived for passage of sentence Continued for sentence to ___ before _____ To be dismissed upon entry of the judgment, Ct(s) ONE ORDER vacate trial date/motion hearing/mtns moot ORDER defendant remain released pending sentence remanded to USM**SENTENCING:** Defendant committed to Bureau of Prisons for a period of 90 days Probation/Supervised Release for _____ Special Assessment \$ REMITTED Fine \$ _____ Restitution \$ _____

Other: _____

RECORDED: CS

BY: Angela J. Tuohy, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Damion Sean BRISSETT-
Citizen of Jamaica
YOB: 1975
A78 406 945
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07 - 10651M-50

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about July 11, 2005, Defendant Damion Sean BRISSETT- was arrested and removed from the United States to Jamaica through the port of Miami, Florida, in pursuance of law, and thereafter on or about October 12, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about October 12, 2007, within the Southern District of California, Defendant Damion Sean BRISSETT-, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

Yes No


Signature of Complainant
Nicholas Kingston
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

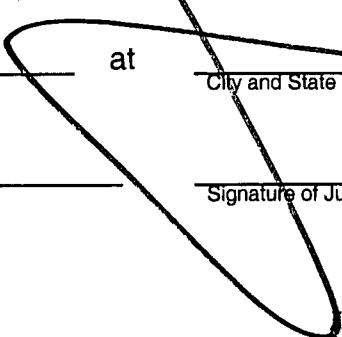
October 15, 2007
Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Damion Sean BRISSETT-

Dependents: 1 USC, 2 Jamaican

IMMIGRATION HISTORY: The Defendant was last removed through Miami, Florida on July 11, 2005.

CRIMINAL HISTORY:

DATE/LOCATION	OFFENSE	DISPOSITION
11/18/04 Miami, Florida	Access Device Fraud	6 months, \$44,456.27 restitution
04/08/31 Pasco County, Florida	Traffic Offense	Unknown
04/18/03 Lauderhill, Florida	Grand Theft Auto Fraud Traffic Offense Failure to Appear	Unknown Unknown Unknown Unknown
12/17/99 Coral Springs, Florida	Larceny	Unknown
09/30/99 Broward County, Florida	Larceny (Felony)	Unknown

Narrative: The Defendant, a citizen of Jamaica and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

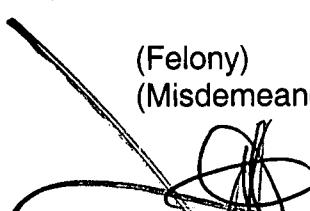
The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Jamaica and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

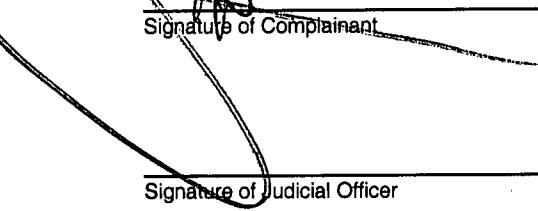
The Defendant last entered the United States illegally without inspection near Andrade, California on October 12, 2007.

Charges: 8 USC§1326
8 USC§1325

(Felony)
(Misdemeanor)



Signature of Complainant



Signature of Judicial Officer

Sworn to before me and subscribed in my presence,

October 15, 2007

Date

Probable Cause Statement

I, Senior Patrol Agent Nicholas Kingston, declare under penalty of perjury, the following is true and correct:

Defendant: Damion Sean BRISSETT-

Dependents: 1 USC, 2 Jamaican

IMMIGRATION HISTORY: The Defendant was last removed through Miami, Florida on July 11, 2005.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
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04/18/03 Lauderhill, Florida	Grand Theft Auto Fraud	Unknown
	Traffic Offense	Unknown
	Failure to Appear	Unknown
12/17/99 Coral Springs, Florida	Larceny	Unknown
09/30/99 Broward County, Florida	Larceny (Felony)	Unknown

Narrative: The Defendant, a citizen of Jamaica and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Jamaica and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on October 12, 2007.

Executed on: October 14, 2007

Time: 8:10 AM

Signed: 

Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of two page(s), I find probable cause to believe that the defendant(s) named therein committed the

Finding made on: Date October 14, 2007 Time 12:30 pm

Signed: _____ United States Magistrate Judge